

REMARKS

I. Summary

Claims 1-20 are pending in the application. In the Final Office Action mailed April 14, 2005, claims 1-20 were rejected. Applicant filed a response to the Final Office Action on July 11, 2005. In an advisory action mailed July 27, 2005, the Examiner indicated the proposed amendments in the response would not be entered. Applicant now files a Request for Continued Examination (RCE) in compliance with 37 C.F.R. § 1.114.

Claims 1, 8, and 15 have been amended to recite additional material supported in the specification at, for example, page 8, 2nd paragraph. Thus, no new matter has been added. The issues in the Final Office Action are:

- Claims 1, 5, 7, 15-17, 19, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Cooper et al.* (U.S. Patent No. 4,742,388, hereinafter *Cooper*).
- Claims 2 and 8-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Adair* (U.S. Patent No. 5,812,188).
- Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Shiomi* (U.S. Patent No. 6,650,361).
- Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Safai et al.* (U.S. Patent No. 6,167,469, hereinafter *Safai*).
- Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper*.

Applicant respectfully traverses the outstanding claim rejections, and the statements made in the "Examiner's Reply" paragraph of the "Response to Arguments" on pages 2 and 3 of the Final Office Action.

II. Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 5, 7, 15-17, 19, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Cooper*. To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. *See* M.P.E.P. § 2131.

Amended claim 1 recites “an image sensor sensing simultaneously multi-color pixel data...” The image sensor of *Cooper* produces “a signal having sequential portions corresponding to the color fields of light”. *See* col. 3, lines 43-44. *Cooper* does not teach an image sensor sensing simultaneously multi-color pixel data. Accordingly, *Cooper* does not teach all limitations of claim 1. Thus, claim 1 is not anticipated by *Cooper*.

Amended claim 15 recites “generating an image comprising multi-color pixel data sensed simultaneously.” The image sensor of *Cooper* produces “a signal having sequential portions corresponding to the color fields of light”. *See id.* *Cooper* does not teach generating an image sensor comprising multi-color pixel data sensed simultaneously. Accordingly, *Cooper* does not teach all limitations of claim 15. Thus, claim 15 is not anticipated by *Cooper*.

Claims 5, 7, 16-17, 19, and 20 depend directly or indirectly from claims 1 and 15. As such they comprise all limitations of the base claim from which they depend. As shown above, *Cooper* does not teach all limitations of claims 1 and 15. Accordingly, *Cooper* does not teach all limitations of claims 5, 7, 16-17, 19, and 20. Thus, claims 5, 7, 16-17, 19, and 20 are not anticipated by *Cooper*. Applicant respectfully requests that the rejection of record of claims 1, 5, 7, 15-17, 19, and 20 be withdrawn and these claims passed to issue.

III. Claim Rejections under 35 U.S.C. § 103(a)

Claims 2 and 8-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Adair* (U.S. Patent No. 5,812,188). Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Shiomi*. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Safai*. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper*.

To establish a prima facie case of obviousness, three basic criteria must be met. *See* M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the first or second criteria, Applicant respectfully asserts that the references do not teach or suggest all the claim limitations.

Claim 8 recites “an image sensor sensing simultaneously multi-color pixel data.” The image sensor of *Cooper* produces “a signal having sequential portions corresponding to the color fields of light”. *See* col. 3, lines 43-44. *Cooper* does not teach or suggest an image sensor sensing simultaneously multi-color pixel data. Accordingly, *Cooper* does not teach or suggest all limitations of claim 8. *Adair* does not cure the deficiencies of *Cooper* with respect to claim 8. *Adair* teaches a sterile encapsulated endoscopic video monitor. *Adair* does not teach or suggest an image sensor sensing simultaneously multi-color pixel data. Accordingly, not all limitations of claim 8 are taught or suggested by *Cooper* and *Adair*. Thus, claim 8 is not obvious over *Cooper* in view of *Adair*.

Claims 9-14 depend directly or indirectly from claim 8. As such, each of claims 9-14 comprises all limitations of claim 8. As shown above, *Cooper* in view of *Adair* does not teach or suggest all limitations of claim 8. Accordingly, *Cooper* in view of *Adair* does not teach or suggest all limitations of claims 9-14. Thus, claims 9-14 are not obvious over *Cooper* in view of *Adair*.

Claim 2 depends directly from claim 1. As such, claim 2 comprises all limitations of claim 1. As shown above, *Cooper* does not teach or suggest all limitations of claim 1. *Adair* does not cure the deficiencies of *Cooper* with respect to claim 1. *Cooper* in view of *Adair* does not teach or suggest all limitations of claim 1. Accordingly, *Cooper* in view of *Adair* does not teach or suggest all limitations of claim 2. Thus, claim 2 is not obvious over *Cooper* in view of *Adair*.

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Shiomi*. Claims 3 and 4 depend directly from claim 1. As such, claims 3

and 4 comprise all limitations of claim 1. As shown above, *Cooper* does not teach or suggest all limitations of claim 1. *Shiomi* teaches a CCD camera using an “optical filter for separating photographed light into three primary colors....” See *Shiomi* at col. 5, line 30-col. 6, line 15. *Shiomi* does not teach or suggest the claim 1 limitation of “an image sensor sensing simultaneously multi-color pixel data....” *Shiomi* does not cure the deficiencies of *Cooper* with respect to claim 1. Accordingly, *Cooper* in view of *Shiomi* does not teach or suggest all limitations of claims 3 and 4. Thus, claims 3 and 4 are not obvious over *Cooper* in view of *Shiomi*.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper* in view of *Safai*. Claim 6 depends directly from claim 1. As such, claim 6 comprises all limitations of claim 1. As shown above, *Cooper* does not teach or suggest all limitations of claim 1. *Safai* teaches using an image detector to produce a plurality of analog image signals. *Safai* does not teach or suggest at least the claim 1 limitation of “an image sensor sensing simultaneously multi-color pixel data....” *Safai* does not cure the deficiencies of *Cooper* with respect to claim 1. Accordingly, *Cooper* in view of *Safai* does not teach or suggest all limitations of claim 6. Thus, claim 6 is not obvious over *Cooper* in view of *Safai*.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooper*. Claim 18 depends directly from claim 15. As such, claim 18 comprises all limitations of claim 15. As shown above, *Cooper* does not teach or suggest all limitations of claim 15. *Cooper* does not teach or suggest all limitations of claim 18. Accordingly, claim 18 is not obvious over *Cooper*.

Applicant respectfully asserts that claims 2-4, 6, 8-14, and 18 are patentable over the references cited in the 35 U.S.C. § 103(a) rejection of these claims, and requests that the rejections of record be withdrawn and these claims passed to issue.

IV. Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Application No. 09/776,058
After Final Office Action of April 14, 2005

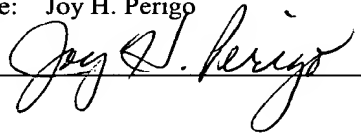
Docket No.: 10002214-1

The required fee for this response and the accompanying Request for Continued Examination is enclosed. If any additional fee is due, please charge Deposit Account No. 08-2025, under Order No. 10002214-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV482713341US in an envelope addressed to: M/S Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: 08-31-2005

Typed Name: Joy H. Perigo

Signature: 

Respectfully submitted,

By: 

Michael A. Papalas
Attorney/Agent for Applicant(s)
Reg. No. 40,381
Date: August 31, 2005
Telephone No. (214) 855-8186